



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement; Informal Hearing

17th December 2021

Appeal By:

Universities Superannuation Scheme Ltd

Proposal:

Change of use of offices (Use Class E(g)) to residential use (Use Class C3) to include 64 residential units comprising 6 x studio units, 33 x one-bedroom units, 19 x two-bedroom units and 6 x three-bedroom units (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015).

Appeal Site:

Hayes Park North, Hayes Park, UB4 8EE

Our Ref:
Your Ref:

12853/APP/2021/2202
APP/R5510/W/21/3280015

Contents

1	Introduction
2	LPA Comments on Appellants Statement of Case; Class O of the GPDO (RfR1)
3	LPA Comments on; Highways (RfR2)
	Planning Conditions and Legal Agreement Justification; Compliance and Agreement
4	Conclusion

Appendices

Appendix 1- Case Officer delegated report

Appendix 2- Listing Description

Appendix 3- Committee Report

Appendix 4- Conditions List

Appendix 5- Unilateral Undertaking

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant permission for:

Change of use of offices (Use Class E(g)) to residential use (Use Class C3) to include 64 residential units comprising 6 x studio units, 33 x one-bedroom units, 19 x two-bedroom units and 6 x three-bedroom units (Application for Prior Approval under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015).

- 1.2 The LPA refused this prior approval application on 26.07.2021 for the following reason (as stated on the decision notice):

- I. The proposed development does not constitute permitted development by virtue of the provisions of Schedule 2, Part 3, Class O.1(f) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) because the Hayes Park North building is within the curtilage of a listed building, namely Hayes Park Central and Hayes Park South.*
- II. The applicant has failed to secure financial and non-financial contributions required to mitigate the highways impacts created by the proposed development. The scheme therefore conflicts with Policies DMCI 7, DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020), the adopted Planning Obligations Supplementary Planning Document (July 2014), Policy DF1 of the London Plan (2021) and paragraphs 55-58 of the National Planning Policy Framework (2021). Prior approval is refused under Condition AA.2.-(1)(a).*

- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellants Statement of Case; Class O of the GPDO (RfR1)

Historic Environment Designation (s)

2.1 Curtilage and setting of Grade II* Listed Building – Heinz Administrative Headquarters and Former Research Laboratories (NHLE number: 1242724)

Class O of the General Permitted Development Order 2015 (as amended)

2.2 Schedule 2, Part 3 Class O of the General Permitted Development Order (GPDO) 2015 (as amended) states:

“Class O- offices to dwellinghouses

Permitted development

O. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development not permitted

O.1 Development is not permitted by Class O if-

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order-

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(d) the site is, or forms part of, a safety hazard area;

(e) the site is, or forms part of, a military explosives storage area;

(f) the building is a listed building or is within the curtilage of a listed building; or

(g) the site is, or contains, a scheduled monument.”(own emphasis)

2.3 This part of the GPDO says that development is not permitted by Class O if the building is a listed building (that is not the case here), or the building is within the curtilage of a listed building (which is the case here). The GPDO recognises that one building can be within the curtilage of another; and that there is no requirement that the building is an “ancillary” building. Had the GPDO intended the exclusion to apply only to “ancillary” buildings, it would have said so.

- 2.4 In April 2011, the then DCLG released a public consultation document entitled ‘Relaxation of planning rules for change of use from commercial to residential’¹ which primarily formed the basis for the introduction of what is now Class O of the GPDO. Within this public consultation document was the following text which sought to exclude listed buildings from any future provisions. The text itself clearly states that the exclusion was solely ‘Listed Buildings and Scheduled Monuments’ (see extract below).

“Thresholds and exclusions

55. The Government believes that these changes should be made nationally in England. However, we are proposing that the following types of development should be excluded from the permitted development right because they raise issues requiring further consideration:

- *listed buildings and scheduled monuments*
- *safety hazard zones*
- *development where an environmental impact assessment is required*
- *development on land affected by contamination. “*

- 2.5 In July 2012 the government response titled ‘Relaxation of planning rules for change of use from commercial to residential Summary of consultation responses and the Government’s response to the consultation’² was released which made no reference to the listed buildings within it, primarily because the 2011 document had already excluded listed buildings from benefitting from any future provisions.

- 2.6 At the time the provisions were made, the GPDO exclusions included the following exclusion:

“the building is a listed building or is within the curtilage of a listed building;”

- 2.7 Therefore, over time and during the course of drafting it was clear that not just listed buildings were excluded from the prior approval provisions, but ALSO structures and buildings within the curtilage of a listed building. This additional curtilage referencing does not appear in any of the publication/ consultation documents at the time of the DCLG consultations but the exclusion of buildings within the curtilage of listed buildings was clearly a deliberate choice on the part of those responsible for the drafting of the GPDO.

- 2.8 The clear intention of the GPDO is therefore to prevent the conversion of office to residential under the prior approval process for BOTH listed buildings and any building within the curtilage of listed building.

¹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8491/1883189.pdf

²

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/8492/2172423.pdf

- 2.9 The Council was entitled to decide that the proposed development was not permitted by Class O, provided the building is found to be within the curtilage of the listed building. This is addressed below.
- 2.10 Had the intention of Class O been to prevent the use of prior approval solely for Listed Buildings, then the drafting would have been so written, but it was not, it was chosen to include reference to 'curtilage of a listed building' within exclusion 'f'. It is also important to recognise that this nuanced wording of the GPDO to include curtilage recognises the duties of a decision maker in applying section 66 of the Planning (Listed buildings and Conservation Areas) Act 1990.
- 2.11 For a building to be within the curtilage of a listed building is a matter of fact and degree and dependent upon the circumstances of each case. "The overarching single test used by the Court of Appeal in the context of the Commons Act is that there must be such an intimate association as to lead to the conclusion that the former in truth forms part and parcel of the latter". Challenge Fencing indicates that although the question of whether or not the function of a building is a relevant consideration, there is no legal requirement that there is a principal-ancillary relationship.
- 2.12 The Council consider that the appeal site is intimately connected with the building so as to lead to the conclusion that the former forms part and parcel of the latter as set out in the following text which deals with these matters in more detail.

Hayes Park North

- 2.13 Hayes Park North (HPN) is a modern office building which was erected during the early part of the 21st century. It was granted permission c.1998, after the Former Heinz Administrative Headquarters and Research Laboratories were added to the National Heritage List for England (24th November 1995) Appendix 2.
- 2.14 The building is positioned on land that historically comprised of the walled gardens associated to the former Hayes Park house. The walls were retained however the land within was later used as the original car park for the former Heinz Administrative Headquarters and Research Laboratories.
- 2.15 The HPN building is a three-storey building, with a very standard nondescript external appearance. It is understood that the design intent of the building was to remain subservient to the original Listed Buildings, however, still form part of a collective group of office buildings. This was acknowledged within the Committee Report of the approved planning permission (reference: 12853/W/96/1667, Appendix 3).
- 2.16 Parking associated to the office building is shared with the Grade II* Listed Buildings to the south of the Appeal site. Access to the lower ground parking area is located to the west of the Hayes Park North building.
- 2.17 HPN building forms part of the Hayes Business park, with modern office buildings set within a parkland environment, relating to the original design intent of the Grade II* Listed Buildings.

Former Heinz Administrative Headquarters and Research Laboratories (Grade II* Listed Buildings)

- 2.18 In 1959 HJ Heinz Ltd bought the Hayes Park estate and outline permission was granted in 1960 by the then Ministry of Housing and Local Government, after calling in the application due to the departure from Green Belt policies. As part of the permission, it is understood that a number of conditions were imposed, including the maintenance of the open parkland setting and the confinement of the development to the central portion of the Hayes Park site - (see committee report relating to application reference 12853/W/96/1667, Appendix 3).
- 2.19 The Grade II* Listed Buildings comprise of the Former Heinz Administrative Headquarters and Research Laboratories. The former Heinz Administrative Headquarters is also referred to as the Hayes Park South (HPS) building. The former Research Laboratories building is also referred to as the Hayes Park Central (HPC) building.
- 2.20 The two buildings were commissioned by HJ Heinz II, grandson of the company's founder in the 1950s. The building was designed by Gordon Bunshaft and is the only example of his work in the UK. They were designed as the company's headquarters set within an open landscape on a Greenfield site, contributing to the special interest of the listed buildings.
- 2.21 The environment surrounding the 20th century buildings is defined by the principles of an English country house, comprising of a restored open parkland, long driveways, historic brick garden walls and a ha-ha (see figures 1.0.-3.0). It is a poetic combination of modern American design within a historic English landscape. The parkland environment surrounds the Listed Buildings in all directions.



Figure 1.0. - View from East access drive from Park Lane
Date: 15.12.2021



Figure 2.0. – Retained section of former walled garden brick walls to the east of HPN
Date: 15.12.2021



Figure 3.0. – Brick ha-ha to the east of the existing buildings within Hayes Park
Date: 15.12.2021

- 2.22 In contrast to the polite English landscape, the listed buildings are of a Brutalist style, constructed of a reinforced concrete frame. The glazed elevations are recessed under the projecting roof and floor slabs. The external appearance of the buildings are defined by the projecting frame, which is made up of columns split into two tapered sections. They are pre-cast with a granite aggregate finish.



Figure 4.0. – View of grounds and parkland from Hayes Park South building
Date: 09.10.2019

- 2.23 Both buildings are three storeys in height and rectangular in plan, contributing to their simple block forms. The buildings were designed to be integrated within the surrounding landscape. They were sunk into the ground with earth built up around the ground floor elevations up to clerestory height except for the areas around the entrances to the buildings. Overtime the original cutbacks allowing access and egress from the buildings have been altered and widened.
- 2.24 The former Research Laboratories (HPC) for is the smaller of the two Grade II* Listed Buildings and is centrally positioned within Hayes Park. The building is six by five bays in plan with its main access orientated to the north.
- 2.25 The former Administrative Headquarters (HPS) for Heinz Ltd is the southern-most office building within Hayes Park. It is 6 by 9 bays in plan with an open internal courtyard space, which originally included a reflecting pool (currently in-filled with pebbles).
- 2.26 The main entrance is located along the eastern elevation and highlighted by the curved retaining walls exposing the ground floor of the building. Originally this had been much more subtle in appearance with only an opening one bay in length and a double door reveal. The alteration has allowed for a larger glazed reception lobby area. Notably it has retained views through the building across the courtyard and former canteen space through to the landscape beyond at ground floor. This is an

important view through, connecting the building to its landscaped, parkland surroundings.

- 2.27 Along the northern elevation there is a tunnelled passage which connects the two Grade II* Listed Buildings however, it is understood that access has now been blocked.
- 2.28 The principle upon which Heinz established a headquarters in Hayes Park related to the popular use of motor vehicles at the time, allowing people to commute to workplaces outside of cities, establishing office buildings on greenfield sites.
- 2.29 Two new access points into Hayes Park were established following the construction of the Listed Buildings. One to the south off Hayes End Road and one to the east off Park Lane. The entrance road from Park Lane imitated the journey one might experience when driving up to a historic country house, across the parkland and over the ha-ha into the formal part of the grounds (see figures 1.0. and 3.0.).
- 2.30 The access from Hayes End Road is referred to as the service road and was likely to secondary access to Hayes Park. A gate house is located at each access point, The design and appearance of the gate houses relates to the Grade II* listed buildings (see figure 5.0.).



Figure 5.0. – Gatehouse at east (formal) entrance to Hayes Park from Park Lane
Date: 15.12.2021

- 2.31 The entrance and service roads follow the same arrangement as evident today. When originally built, the roads led directly to the original car park which was located within the former walled garden, the walls of which had been in most retained as part of the initial Heinz development. Figure 4.3 within the Appellant's Statement of Case clearly depicts this original arrangement as do the historic OS maps below (figures 6.0.-8.0.).

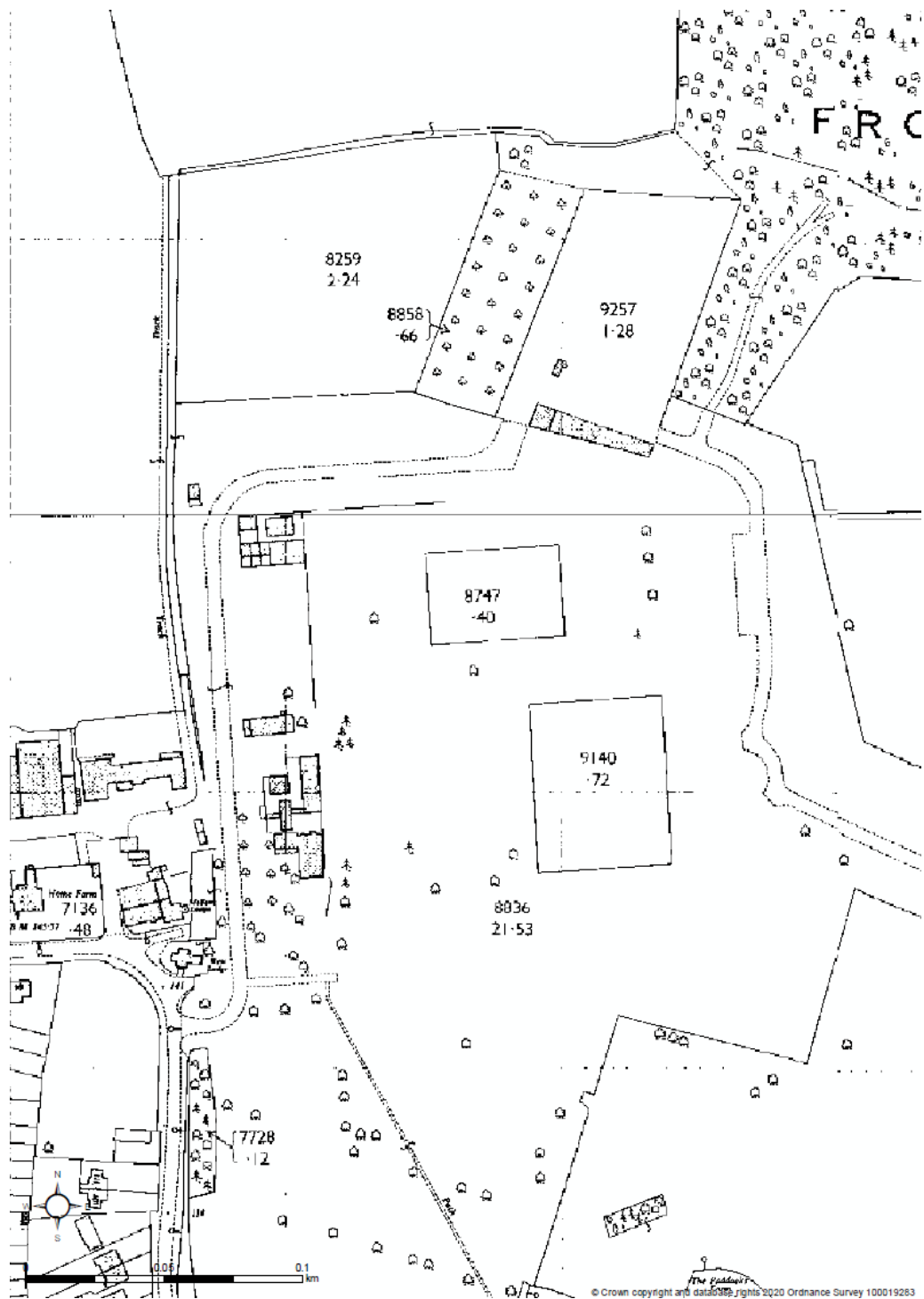


Figure 6.0. Historic OS map 1960-1973
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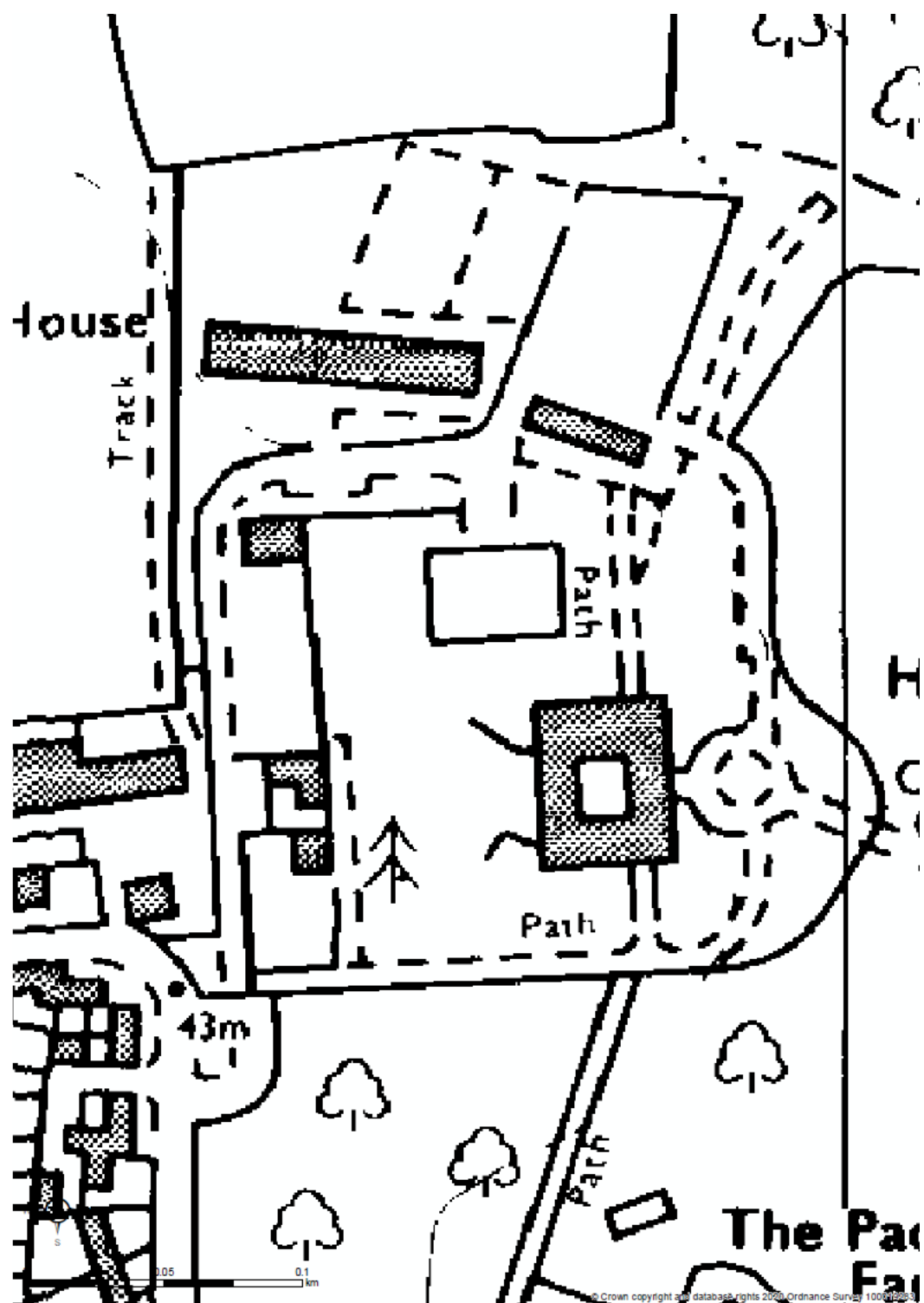


Figure 7.0. Historic OS map 1974-1977

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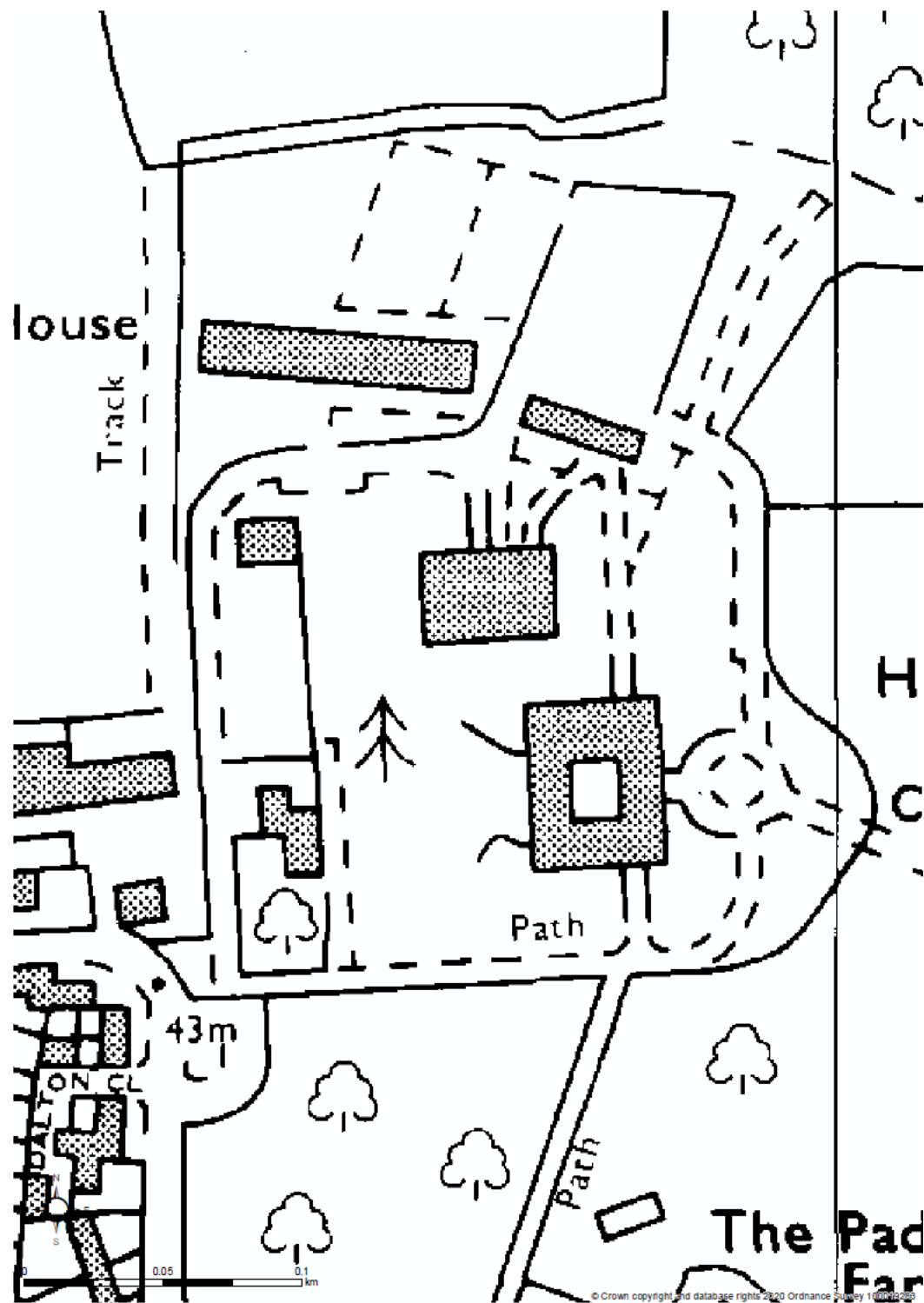


Figure 80. Historic OS map 1986-1995

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Hayes Park

- 2.32 Hayes Park relates to an earlier substantial country estate. The original house had been used as a private asylum during the 19th century.

- 2.33 The former substantial 2 storey house was set within extensive, landscaped grounds which included a walled garden to the north of the main house. Some remnants of the walled garden and other historic walls are evident today.
- 2.34 The estate relating to Hayes Park was expansive and included Home Farm located to the west of the former house.
- 2.35 Whilst the original house was demolished following the approval of the outline permission in 1960, Home Farm and the walls relating to the walled garden were retained. This can be seen on the historic OS maps (figures 6.0.-8.0.). as well as Figure 4.3. within the Appellant's Statement of Case.

Curtilage assessment

- 2.36 The principal matter in this case is whether the land upon which the HPN building was erected forms part of the curtilage of the Grade II* Listed Buildings (HPC and HPS buildings).
- 2.37 The assessment that the Appeal site is considered to be within the curtilage of the Grade II* Listed Buildings, was considered in applying the three factors arising from the Court of Appeal Calderdale case (Attorney-General ex rel. Sutcliffe and Others v. Calderdale BC [1983] JPL 310), read together with the more recent Court of Appeal case: Blackbushe Airport Limited v. Hampshire County Council [2021] EWCA Civ 398, which (albeit concerned directly with the Commons Act 2006), suggests that there is a single overall test, "whether the land is so intimately connected with [the building] as to lead to the conclusion that the former forms part and parcel of the latter" (see Court's judgement e.g. [20] and [109]). These considerations have been set out in the paragraphs below.
- 2.38 In order to draw conclusions on 'whether the land is so intimately connected....' (Blackbushe conclusions) both parties (LB Hillingdon and the appellant) have undertaken an assessment of the appeal site having regard to the principles established in the three-part Calderdale test, also referenced in the Historic England Guidance.

Physical layout

- 2.39 The Grade II* Listed Buildings are located to the south of the Appeal site. The entire site comprising of all three buildings and the deck car park, is known as Hayes Park and/or Hayes Business Park, which is recognised by the Appellant under paragraph 2.1 within their Statement of Case.
- 2.40 At the time of listing (24th November 1995) the Appeal site remained as the original car park associated to the 1960s development. The walls relating to the former walled garden also remain extant at such time.
- 2.41 Paragraph 4.17 of the Appellant's Statement of Case misinterprets and misrepresents the initial Conservation Officer comments (dated: 1st July 2021), in regard to the walled garden. For completeness they have been reiterated in full below:

'3.14. Historically the land in question was occupied by a historic walled garden, which was retained as part of the Heinz Office building development, when constructed and at the time of listing. The space had been used as car parking, ancillary to the Heinz Office Buildings. Remnants of part of the walls are still extant on site.'

- 2.42 In reading paragraph 3.14 above, in full, it clearly states that the space within the walled garden had been used as a car park and the present position is that remnants of the walls are still evident on site (see figure 2.0.).
- 2.43 The existence of a ha-ha along the eastern side of the site provides a definitive boundary between the formal grounds associated surrounding the offices and the wider parkland beyond, which can also be appreciated by the planting of notable trees. As noted under paragraph 2.21 above, the principles of a historic English landscaped garden have been applied to the office buildings rather than a country house.
- 2.44 In the *Dyer v Dorset CC* Court of Appeal case (1989), Nourse LJ had said, that in grander houses the curtilage would extend to "the house, the stables and other outbuildings, the garden and the rough grass up to the ha-ha if there was one" (at 358F-G). This would be applicable to this case, with the existing ha-ha (figures 3.0. and 8.0.), and post and rail fences separating the parkland to the east from the formal grounds immediately surrounding the office buildings. It would also be worth noting the manner in which the grounds are also maintained, with neatly mown grass to the west of the ha-ha.



Figure 9.0. – Ha-ha to the east of the office buildings extending towards HPN
Date: 15.12.2021

- 2.45 The physical layout and access arrangement of the original 1960s development resulted in the central placement of the two buildings. In considering the original and existing building access arrangements, the separate access to the HPN

building is not unusual. The original and existing access arrangements to the HPC and HPS buildings are also separate, with the HPC building accessed along the north elevation (via the original service road) and the HPS building accessed from the east (off the entrance road). Therefore, the point made under paragraph 4.16 of the Appellant's Statement of Case in relation to the access arrangement to HPN is irrelevant, and did not alter the original curtilage of the Listed Buildings.

- 2.46 Whilst the layout of Hayes Park has significantly changed since the loss of the original historic house, the matter at hand is the physical layout of the site associated to the curtilage of the Listed Buildings. The key dates in this matter would be 1960, when the buildings were constructed and 1995 when they were added to the National Heritage List for England. The Appellant's Statement of Case, under paragraph 4.17, incorrectly refers to the landscape associated to the historic Hayes Park manor house. The relevant matter is the parkland landscape in which Bunshaft has set his brutalist buildings within.
- 2.47 Whilst setting is not a contributing factor towards curtilage, it is important to recognise the original design layout and intent of the 1960s Heinz development, described under paragraph 2.21 above.
- 2.48 On page 5 of the Appellant's Heritage Consultant's statement, they refer to the 'very specifically designed landscape'. The list entry also recognises the importance of the building's surroundings, contributing to its historic interest as "the most important early example in Britain of a headquarters complex on a greenfield site".
- 2.49 Whilst it is difficult to evidence the thought process of retaining the walls to the former walled garden, they would have provided a means of obscuring the car park from the original buildings, maintaining the illusion of a quintessential English landscape parkland.
- 2.50 The road layout and positioning of the original 1960s buildings have remained the same. The car parking arrangement for the site and introduction of the HPN building after the date of listing is mainly where alterations within the curtilage of the listed buildings have occurred.
- 2.51 Nevertheless, the principal entrance road from the east (off Park Lane) and secondary service road from the west remain the same and lead to a shared car park for all three buildings, now located within the north-west corner of Hayes Business Park.
- 2.52 In order to access the lower deck car park, one must enter onto the Appeal site and pass the HPN building, with the access road located to the west of the building.
- 2.53 The Appellant's Statement of Case refers to the theory of 'visiting' respective premises, under paragraph 4.6. This is an entirely irrelevant discussion, as you may be on land within the curtilage of a listed building however not necessarily enter the listed building itself.
- 2.54 There is no formal boundary between HPN building or the Listed Buildings, maintaining an open connection within Hayes Park.

- 2.55 There are clear connective views between all buildings, with HPN well within the context of the Grade II* listed buildings (figures 10.0. – 11.0.). Long views of the buildings from Mellow Lane East can also be appreciated across the open fields enhanced by the elevated nature of Hayes Park (figure 12.0).



Figure 10.0. – Internal view northwards from HPC towards HPN
Date: 09.10.2019

- 2.56 The assessment above demonstrates that the layout of Hayes Park, including the Listed Buildings and associated land and the land to north of the service road, including the Appeal site, are interconnected.





Figure 12.0. – view from Mellow Lane East looking north-eastwards
Date: 15.12.2021

Ownership, past and present

- 2.57 At the time of listing (24th November 1995) the Listed Buildings and Appeal site was under the same ownership.
- 2.58 At present, it is understood that the Listed Buildings and Appeal site are under the same ownership.

The use or function of land or buildings, past and present

- 2.59 Historically, the land upon which the HPN building was erected, functioned as the walled garden associated to the historic Hayes Park house and estate.
- 2.60 As before, whilst understanding the historic development of the land can be enlightening, in this matter the most relevant dates would be the 1960s when the Listed Buildings were erected and the date of listing (24th November 1995).
- 2.61 The Appellant refers to the HPN building being located within the 'boundary of the Hayes Business Park' (paragraph 2.1 of the Appellant's Statement of Case). The creation of the 'Hayes Business Park' was essentially established by the original development of the former Heinz Administrative Headquarters and Research Laboratories, in the 1960s.

- 2.62 The original development of the former Heinz building included works to the Appeal site. The former walled garden was used as the principal car park for the building, with the historic walls retained.
- 2.63 At the time of listing (24th November 1995), the Appeal site continued to function as the car park associated to the former Heinz Administrative Headquarters and Research Laboratories, within the retained walls.
- 2.64 Paragraph 4.10 within the Appellant's Statement of Case refers to why the Heinz established its Headquarters at Hayes Park in the 1960s. It duly notes the influence and correlation of car ownership at the time, which made it 'feasible for large companies to build new corporate headquarters on greenfield sites such as this...'
- 2.65 Therefore, without the provision of car parking on the Appeal site in the 1960s, the establishment of the Headquarters or office development would not have been feasible, demonstrating the important function of the car park in terms of the original development, therefore also forming part and parcel of the listed buildings.
- 2.66 The need for car parking provision continued to grow, with use of the Appeal site at the time of listing as car park and then a larger deck car park being established within the north-west corner of Hayes Business Park.
- 2.67 This fundamental point demonstrates that the curtilage of the HPC and HPS buildings extended north, up to the tree-lined border, also defined by a ditch and chain link fence when originally constructed and at the time of listing. This is further evidenced by the route of the original and existing service road. Historic maps show the route of the service road as does Figure 4.3 within the Appellant's Statement of Case.
- 2.68 The application submitted for the HPN building was established under the premise that Heinz required further office space, who occupied and owned the site at the time.
- 2.69 The HPN building nevertheless formed part of the Hayes Business Park, with its legal use as offices consistent with the HPC and HPS buildings.
- 2.70 The historic connection between the land upon which the HPN building has been erected is evident throughout the existence of the Listed Buildings. This is recognised within the List Entry description and previous planning reports and decisions relating to Hayes Park.

3. LPA Comments on; Highways (RfR2)

- 3.1 The LPA note that a Unilateral Undertaking has now been offered and agreed by the applicant to capture the required financial contributions in relation to transport infrastructure and the necessary highways works. The Unilateral Undertaking has been attached as an Appendix along with the agreed conditions. The council consider it necessary if the inspector is minded to allow the appeal to attach the conditions and heads of terms which have been justified using the relevant legal tests set out within CIL regulations, NPPF and local Plan policy. This is listed below.
- 3.2 The Parties have reached agreement in relation to the draft s106 agreement ("Agreement") and a copy of the Agreement shall be provided to PINs.
- 3.3 This document outlines the full list of conditions and heads of terms and comments on the tests set out in Section 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Paragraph 2 of Regulation 122 of the CIL Regulations states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.
- 3.4 Paragraph 2A of Regulation 122 states that Paragraph 2 does not apply in relation to a planning obligation which requires a sum to be paid to a local planning authority in respect of the cost of monitoring (including reporting under these Regulations) in relation to the delivery of planning obligations in the authority's area, provided—
- (a) the sum to be paid fairly and reasonably relates in scale and kind to the development; and
 - (b) the sum to be paid to the authority does not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations which relate to that development.
- 3.5 This is reiterated through the NPPF and further states that Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification. Additionally, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.
- 3.6 Paragraph 3.8 of the Council's Planning Obligations SPD confirms that the Council shall seek 5% of the total financial contributions for the purpose of monitoring the implementation of planning obligations, which has been captured in the Agreement.

3.7 A list of conditions has been drafted and agreed between both parties, these are detailed below and detailed in full within Appendix 4 and 5:

Mandatory Conditions

- *Time Limit*
- *Approved Plans and Documentation*

Prior to commencement Conditions

- *Land Contamination*
- *Delivery and Servicing*
- *Construction and Logistics Plan*
- *Natural Light Survey*

Prior to occupation Conditions

- *Noise*
- *Parking*

Heads of Terms – Unilateral Undertaking

Public Infrastructure

1. Prior to Commencement of Development to pay to the Council the Public Transport Infrastructure Contribution of £30,000 (THIRTY THOUSAND POUNDS) towards the provision of Santander docking station, bicycles, and the management of the Santander Cycle Hire scheme.

2. Not to Commence Development before the Public Transport Infrastructure Contribution is paid.

Highways Works

3. Not to Occupy or permit or cause to be Occupied any part of the Development until the Highway Works have been completed.

3.8 Through discussion with the applicant, it has been deemed acceptable that the conditions would satisfy the relevant tests set out within the NPPF, CIL regulations and Local Plan Policy guidance in considering the conditions and heads of terms to be necessary, directly related to the development, fair and reasonable in relation to the scale and type of development. The applicant has reviewed the wording of the conditions and provided the LPA with a provisional draft of the Unilateral Undertaking agreeing the full scope of works and financial contribution considered necessary to make the development acceptable in highways and transport terms.

4. Conclusion

- 4.1. This statement demonstrates above how ‘the land is so intimately connected....’ such that the single overarching test has been met (Blackbushe). This has been done by taking account of the Calderdale factors, also referenced in the Historic England Guidance.
- 4.2 The use and function, physical layout and ownership taken into account above indicate that the Appeal site, (HPN building and the land upon which it has been erected) is within rather than outside the relevant curtilage of the Grade II* Listed Buildings (the former Heinz Administrative Headquarters and Research Laboratories).
- 4.3 In applying the Calderdale factors, it provides a clear understanding of the past and present relationship between the Grade II* Listed Buildings and appeal site, demonstrating how the land upon which the HPN building is located is so intimately connected. The provision of car parking associated to the 1960s office development was fundamental to its success, with the land in question forming part and parcel of the buildings at the time of listing. It is presently evident by the shared access arrangement to the HPN building via the original service and entrance roads, the associated shared car parking provision and shared access to the lower deck car park contributes to the present connection between all the buildings, and the extent of curtilage to the north is well-defined by the dense line of mature trees to the north of the HPN building, running along the site ownership boundary and the points made under paragraph 2.44 in relation to the ha-ha contribute to the design intent of Hayes Park (described under paragraph 2.21).
- 4.4 The Council therefore respectfully request that this appeal is dismissed.
- 4.5 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council’s case, a list of recommended planning conditions is included at Appendix 4.

Appendices

Appendix 1- Case Officer delegated report

Appendix 2- Listing Description

Appendix 3- Committee Report from the approved planning permission (reference: 12853/W/96/1667

Appendix 4- Conditions List

Appendix 5 – Unilateral Undertaking

1; Time Limit	Pursuant to paragraph O.2(2) of the GPDO 2015 (as amended), development permitted under Class O is subject to the condition that it must be completed within a period of 3 years starting with the date of this permission.
2; Noise	Prior to occupation of the building, full details and specifications of the noise mitigation required at the site shall be submitted to the Local Planning Authority for approval in writing. These will include: - details of how adequate whole dwelling ventilation, purge ventilation and overheating control will be provided to serve the proposed units; - details of the sound insulation scheme, taking into account the ventilation and cooling strategy, to ensure compliance with BS 8233, taking into account the guidance on noise with a specific character; - details of how noise from any forced ventilation or cooling will be controlled within the units to an acceptable degree; and - details of how noise between separating floors and walls within the building will be adequately controlled. Thereafter, the development shall not be occupied or brought into use until the approved scheme under this condition has been implemented in accordance with the approved details. The measures shall be retained, maintained and serviced for the life of the development. REASON To ensure that an acceptable level of noise can be maintained within the development in accordance with Policy EM8 of the Hillingdon Local Plan Part 1 - Strategic Policies (November 2012), Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020). .
3; Approved Plans	The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers and documents: basement plan 21-M011-D00-001 - received 02 Jun 2021 ground floor plan 21-M011-D00-002 - received 02 Jun 2021 first floor plan 21-M011-D00-003 - received 02 Jun 2021 second floor plan 21-M011-D00-004 - received 02 Jun 2021 typical unit plan 21-M011-D00-0100 - received 02 Jun 2021 Transport Note I June 2021 - received 02 Jun 2021

	Noise Impact assessment May 2021 - received 02 Jun 2021 Daylight, Sunlight, Overshadowing Assessment May 2021 - received 02 Jun 2021 Phase 1 Environmental Report May 2021 - received 02 Jun 2021 22519LH_NorthBuilding_Basement. - received 02 Jun 2021 22519LH__NorthBuilding_Ground - received 02 Jun 2021 22519LH_NorthBuilding_First. - received 02 Jun 2021 21-T066_SITE LOCATION PLAN(1) - received 02 Jun 2021 21-T066_02 - SITE LOCATION PLAN. - received 02 Jun 2021 22519LH_NORTH-BUILDING-SECOND-F0 - received 02 Jun 2021 210601_Hayes Park North_PDR_Cover Letter_FINAL. - received 02 Jun 2021 and shall thereafter be retained/maintained for as long as the development remains in existence. REASON To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).
4; Parking	Prior to the occupation of the development, details of the following shall be submitted to and approved in writing by the Local Planning Authority: 1) layout of a cycle parking area able to accommodate 89no. bicycles 2) layout of a motorcycle parking area able to accommodate 4no. bicycles 3) active electric vehicle charging points at 20% of all parking spaces with all the remainder having passive provision. 4) car parking management plan is provided and that all car parking spaces are leased and not sold 5) Details of a refuse and recycling management scheme, including details of storage facilities which should be located within/close to the building entrance(s) and also a collection day storage area close to the site access, together with appropriate management arrangements in order to aid collection. Thereafter, they shall be implemented and permanently retained and used for no other purpose. REASON To ensure adequate parking is provided and to promote sustainable modes of transport, in accordance with Policies DMT 5 and DMT 6 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).
5 Land Contamination	(i) The development shall not commence until a scheme to deal with contamination has been submitted to and approved by the Local Planning Authority (LPA). All works which form part of a remediation scheme shall be completed before any part of the development is occupied or brought into

	use unless the Local Planning Authority dispenses with any such requirement specifically and in writing. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically and in writing: a) A site investigation, including where relevant soil, soil gas, surface and groundwater sampling, together with the results of analysis and risk assessment shall be carried out by a suitably qualified and accredited consultant/contractor. The report should also clearly identify all risks, limitations and recommendations for remedial measures to make the site suitable for the proposed use; and (b) A written method statement providing details of the remediation scheme and how the completion of the remedial works will be verified shall be agreed in writing with the LPA prior to commencement, along with the details of a watching brief to address undiscovered contamination. No deviation shall be made from this scheme without the express agreement of the LPA prior to its implementation. (ii) If during remedial or development works contamination not addressed in the submitted remediation scheme is identified an addendum to the remediation scheme shall be agreed with the LPA prior to implementation; and (iii) Upon completion of the approved remedial works, this condition will not be discharged until a comprehensive verification report has been submitted to and approved by the LPA. The report shall include the details of the final remediation works and their verification to show that the works for each phase have been carried out in full and in accordance with the approved methodology. (iv) No contaminated soils or other materials shall be imported to the site. All imported soils for landscaping purposes shall be clean and free of contamination. Before any part of the development is occupied, all imported soils shall be independently tested for chemical contamination, and the results of this testing shall be submitted and approved in writing by the Local Planning Authority. REASON To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Hillingdon Local Plan: Part 2 (January 2020) Policies - DMEI 11: Protection of Ground Water Resources and DMEI 12: Development of Land Affected by Contamination.
6; Delivery and Servicing Plan	Prior to development commencing, the applicant shall submit a Delivery and Servicing Plan to the Local Planning Authority for its approval. The approved details shall be implemented and maintained throughout the Life of the development.

	REASON To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)
7; Construction Logistics Plan	Prior to development commencing, the applicant shall submit a Construction Management Plan to the Local Planning Authority for its approval. The plan shall detail: (i) The hours during which development works will occur (please refer to informative I15 for maximum permitted working hours). (ii) How the storage of construction materials will be managed on site during the conversion works. The approved details shall be implemented and maintained throughout the duration of the conversion process. REASON To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020)
8; Natural Light	Prior to commencement of works on this building, the following information shall be submitted to the Local Planning Authority for approval in writing: Full details and specifications for all room layouts NSL assessments and commentary to demonstrate distribution of daylight within the proposed habitable rooms; Updated sunlight assessments and the proposed design mitigation proposals. Thereafter, they shall be implemented and permanently retained for the life of the development. REASON To ensure that the development is in accordance with Policy DMHB 11 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020).
Informative; Thames Water	Waste Comments With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of

	petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided. Water Comments With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
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